IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 10TH JULY 2007 / 19TH ASHADHA 1929

WP(C).No. 9408 of 2005(T)

PETITIONER:

SOUMYA, D/O.AYYAPPAN,
TC.20/3232, KARAMANA, THIRUVANANTHAPURAM.

BY ADV. SRI.V.SURESH

RESPONDENTS:

SURESH, VIKAS, T.C.45/2510,
VRINDAVAN GARDENS, CHALAI, THIRUVANANTHAPURAM.

BY ADV. SRI.D.SAJEEV

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 9408/2005 T

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE PLAINT IN OS NO. 1179/2004 OF THE FILE OF THE MUNSIFF COURT OF TRIVANDRUM.

EXT.P2. COPY OF THE WRITTEN STATEMENT IN -DO- -DO-

EXT.P3. COPY OF THE IA NO. 1373/2005 TO SET ASIDE THE EX PARTE PROCEEDINGS IN -DO-

EXT.P4. COPY OF THE ORDER DT. 28/2/2004 IN EXT.P3 APPLICATION.

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PIUS C. KURIAKOSE,J.

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W.P.(C) No.9408 of 2005

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Dated: 10th July, 2007

JUDGMENT

The grievance of the petitioner is that the learned Munsiff has refused to admit the written statement filed by the petitioner on the reason that the same was not filed within 90 days. The issue is covered in favour of the petitioner by the judgment of the Supreme Court in **Kailash v. Nanhku** (2005(2) KLT 623). Following the above judgment of the Supreme Court, I set aside Ext.P4 and direct the learned Munsiff to receive the written statement already filed by the petitioner, formulate issues on the basis of the contentions raised therein and dispose of the suit in accordance with law. Being a suit of the year 2004, the learned Munsiff will make every endeavour to dispose of the suit at the earliest and at any rate within three months of receiving copy of the judgment.

The Writ Petition is allowed as above. No costs.

srd **PIUS C.KURIAKOSE, JUDGE**